GAHC010237782026

2026:GAU-AS:16483

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : AB/2736/2026

RASID ALI BHUYAN ALIAS ABDUR RASHID AND 11 ORS.
SON OF LATE ISMAIL ALIAS LATE ISMAIL BHUYAN, RESIDENT OF VILLAGE- KACHUMARA N.C., MOUZA BAGURIBARI, P.S. KACHUMARA, DISTRICT BARPETA, ASSAM, PIN-781127.

2: NASHIB ALI BHUYAN ALIAS NASIB ALI
SON OF LATE ISMAIL BHUYAN
RESIDENT OF VILLAGE- KACHUMARA N.C.
MOUZA BAGURIBARI
P.S. KACHUMARA
DISTRICT BARPETA
ASSAM
PIN-781127.

3: SHWAHID ALI BHUYAN ALIAS SHAHIDUL ALI
SON OF LATE JAYNAL BHUYAN ALIAS LATE JAYNAL ABDIN
RESIDENT OF VILLAGE- KACHUMARA N.
MOUZA BAGURIBARI
P.S. KACHUMARA
DISTRICT BARPETA
ASSAM
PIN-781127.

4: JAKIR HUSSAIN
SON OF LATE NIHAN ALI. RESIDENT OF VILLAGE- KACHUMARA N.C.
MOUZA BAGURIBARI
P.S. KACHUMARA
DISTRICT BARPETA
ASSAM
PIN-781127.

5: AZIZUL HOQUE ALIAS AIZUL HOQUE
SON OF HUSSAIN ALI BHUYAN ALIAS LATE ISMAIL HUSSAIN BHUYAN.
RESIDENT OF VILLAGE- KACHUMARA N.C.

MOUZA BAGURIBARI
P.S. KACHUMARA
DISTRICT BARPETA
ASSAM
PIN-781127.

6: ALI AKBAR ALIAS ALI AKKAB
SON OF HUSSAIN ALI BHUYAN ALIAS LATE ISMAIL HUSSAIN BHUYAN.
RESIDENT OF VILLAGE- KACHUMARA N.C.
MOUZA BAGURIBARI
P.S. KACHUMARA
DISTRICT BARPETA
ASSAM
PIN-781127.

7: SABAN ALI ALIAS SABAQN ALI
SON OF KAJAM ALI. RESIDENT OF VILLAGE- KACHUMARA N.
MOUZA BAGURIBARI
P.S. KACHUMARA
DISTRICT BARPETA
ASSAM
PIN-781127

8: MUKTAR HUSSAIN ALIAS MOKKAR HUSSAIN
SON OF LATE SHUKUR ALIAS LATE SUKUR ALI
RESIDENT OF VILLAGE- KACHUMARA N.
MOUZA BAGURIBARI
P.S. KACHUMARA
DISTRICT BARPETA
ASSAM
PIN-781127.

9: MAFIZUL HOQUE
SON OF LATE SHUKUR ALIAS LATE SUKUR ALI
RESIDENT OF VILLAGE- KACHUMARA N.C.
MOUZA BAGURIBARI
P.S. KACHUMARA
DISTRICT BARPETA
ASSAM
PIN-781127.

10: LATIF ALI
SON OF LATE SHUKUR ALIAS LATE SUKUR ALI
RESIDENT OF VILLAGE- KACHUMARA N.C.
MOUZA BAGURIBARI
P.S. KACHUMARA
DISTRICT BARPETA
ASSAM

PIN-781127.

11: SHAHADAT ALI
SON OF LATE NUR UDDIN
RESIDENT OF VILLAGE- KACHUMARA N.C.
MOUZA BAGURIBARI
P.S. KACHUMARA
DISTRICT BARPETA
ASSAM
PIN-781127.

12: JEHIRUL ISLAM ALIAS JEHERUL HOQUE
SON OF LATE ABDUL MOTALEB
RESIDENT OF VILLAGE MAHCHARA
P.S. KACHUMARA
DISTRICT BARPETA
ASSAM
PIN-781127. ACCUSED NOS. 1
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17 AND 26 RESPECTIVELY IN KACHUMARA P.S. CASE NO. 42/202

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MR. M AHMED, A RAHMAN,MR A HAI

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

10.11.2026

Heard Mr M Ahmed, learned counsel for the petitioner. Also heard Mr D P Goswami, learned Additional Public Prosecutor for the State of Assam.

2. When the matter is called up today, Mr Goswami submits that although he has the Case Diary, the injury report is not with him.

3. By this application, the petitioners who are twelve in number, have prayed for pre-arrest bail in connection with Kachumara PS Case No. 42/2026, under Sections 331 (1)/115 (2)/118 (1)/109/74/326 (g)/351 (2)/351 (3)/3 (5) of the BNS, 2023.

3. The First Information Report in connection with which the petitioners are apprehending arrest, was lodged on 08.10.2026, by the informant stating inter alia that when they were possessing the land standing in the name of their father, by constructing their house, the petitioners along with others armed with deadly weapons entered the courtyard and assaulted them and set the house on fire by throwing petrol. It is also alleged that the petitioners along with others had assaulted his wife and other family members, as a result of which, injuries were sustained by the parties concerned.

4. The learned counsel for the petitioners submits that admittedly, there was a fight amongst two groups between whom land disputes were there and many civil suits are pending and that the petitioner's side had also lodged FIR against the informant's side. It is also stated that after the date of occurrence, there was a village discussion amongst the parties and that there being no result of the said discussion, all the parties had decided to lodge FIR and FIRs were lodged on 20.10.2026.

5. On the other hand, Mr D P Goswami, the learned Additional Public Prosecutor for

the State, submits on perusal of the Case Diary that the witnesses have named the petitioners to have assaulted them, and as such, he submits that injury report becomes important in order to see the injuries sustained by the parties.

6. Upon consideration of the submissions made by the learned counsels, more so, in view of the fact that there is admittedly, a mutual fight amongst the parties, and there are land disputes going on between them, this Court deems it fit that the petitioners be released on pre-arrest bail on furnishing bail bonds of Rs. 20,000/- each, with one local surety each to the satisfaction of the arresting authority, under the following conditions:-

i) the petitioners shall appear before the Investigating Officer within 15 (fifteen) days from the date of the order;

ii) the petitioners shall not hamper and tamper with the evidence of the case, and/or influence the witnesses; and

iii) the petitioners shall not leave their residence without prior permission of the Investigating Officer.

7. Bail Application stands disposed of.

8. Send back the Case Diary.

JUDGE

Comparing Assistant